

SUSAN FRANQUES : 14TH JUDICIAL DISTRICT COURT
VS. 2022-2053G : PARISH OF CALCASIEU
CANAL INDEMNITY COMPANY, : STATE OF LOUISIANA
SONRIC'S TRUCKING, LLC AND
RAUL R. ARANDA
FILED: MAY 18 2022


DEPUTY CLERK OF COURT

PETITION FOR DAMAGES

The petition of Susan Franques ("Mrs. Franques"), a person of the full age of majority and resident of and domiciled in Calcasieu Parish, Louisiana, respectfully represents the following:

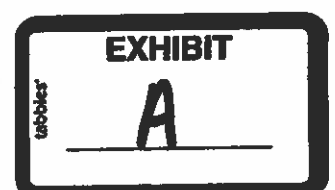
1.

Made defendants herein are the following:

- a. CANAL INDEMNITY COMPANY ("Canal"), an insurance company, authorized to do and doing business in the State of Louisiana, which may be served through the Louisiana Secretary of State, 8585 Archives Avenue, Baton Rouge, Louisiana 70809;
- b. SONRIC'S TRUCKING, LLC ("Sonric's"), a foreign company, authorized to do and doing business in the State of Louisiana, which may be served through their agent for service of Process, Manuel Hernandez, via the Louisiana Long Arm Statute at 12581 Greg Martinez Road, El Paso, Texas 79928; and
- c. RAUL R. ARANDA ("Mr. Aranda"), a person of the full age of majority and domiciliary of Santa Teresa, New Mexico; and an employee of Sonric's Trucking, LLC, who may be served through the Louisiana Long Arm Statute at 113 Apache Brass Circle, Santa Teresa, New Mexico 88008.

2.

Defendants are liable jointly, individually, and *in solido* to petitioner in a total sum, which is found reasonable under the circumstances of this case for the personal injuries and damages, both general and special damages, together with legal interest from the date of judicial demand until paid and for all costs of these proceedings as a result of the May 22, 2021 accident involving a 2014 Volvo VN and 2017 Hyundai Freight Trailer ("Volvo") owned by defendant, Sonric's Trucking, LLC ("Sonric's") and driven by defendant, Raul R. Aranda ("Mr. Aranda"), and a 2014 Toyota Avalon ("Toyota") owned by Nancy Vallee and driven by plaintiff, Susan Franques ("Mrs. Franques").



3.

On or about May 22, 2021, Mrs. Franques was traveling east bound on Interstate 10, Exit 29 off ramp lane, in Lake Charles, Louisiana, in the Toyota, at which time defendant, Mr. Aranda, merged the Volvo Truck and Trailer into the Interstate 10, Exit 29 off ramp lane, at which time he struck the driver side of the Toyota driven by Mrs. Franques, causing the accident. Mr. Aranda was noted to commit the violation of "Cutting In, Improper Passing."

4.

The accident and resulting injuries to Mrs. Franques, and subsequent damages sustained by Mrs. Franques, were caused by the fault, negligence and/or strict liability of defendant, Mr. Aranda, in the following non-exclusive particulars:

- a. Improperly merging into Mrs. Franques' lane of travel when she was clearly established and had the right of way causing the accident and Mrs. Franques' severe injuries;
- b. Failing to maintain a proper lookout;
- b. Failing to see what he should have seen;
- c. Failing to safely change lanes;
- d. Driving in an inattentive manner, with reckless and wanton disregard for the safety of other vehicles;
- e. Failure to maintain proper control of the vehicle he was driving in general;
- f. Failure to exercise reasonable and prudent care under the circumstances;
- g. Failure to do what he should have done under the circumstances to avoid hitting the Toyota driven by Mrs. Franques; and
- h. Any and all other acts of fault, negligence and strict liability known only to the defendants, which may be discovered prior to the trial of this cause.

5.

As a result of the above-described accident, petitioner, Mrs. Franques, sustained painful injuries, which may be described particularly, but not exclusively, as follows:

- (a) Injuries to her neck. Specifically, disc bulging at C3-C4; C4-C5; and C6-C7, as well as a disc herniation at C5-C6 with cord impingement. Mrs. Franques underwent a cervical epidural steroid injection, which was performed by Dr. Seth Billiodeaux.
- (b) Injuries to her back.

- (c) Injuries to her right shoulder. Specifically, a traumatic complete tear of the right rotator cuff and glenoid labrum tear. On November 5, 2021, Mrs. Franques had a right shoulder arthroscopy, rotator cuff repair and labral debridement bicep tenodesis surgery, which was performed by Dr. Brett Cascio; and
- (d) Other injuries.

Mrs. Franques has suffered from these injuries, continues to suffer from these injuries, and in all probability will suffer from these injuries in the future, and is entitled to recover *in solido* from the defendants.

6.

As a result of the above-described accident, Mrs. Franques sustained the following damages:

- (a) Physical pain and suffering (past, present and future);
- (b) Mental pain and anguish (past, present and future);
- (c) Expenses related to the treatment of her injuries including mileage expenses (past, present and future);
- (d) Loss of enjoyment of life (past, present and future);
- (e) Loss of wage-earning capacity (past, present and future); and
- (f) Physical disability and limitations of activities, hobbies, and endeavors.

7.

At the time of the accident, defendant, Canal, had in full force and effect a policy or policies of liability insurance insuring defendants, Sonric's Trucking, and their employee, Mr. Aranda, for his negligent actions and/or negligent omissions, under the terms, conditions, and provisions of which said company also assumed liability for damages such as herein sued by petitioner.

8.

Consequently, this lawsuit is properly filed before this Honorable Court pursuant to Article 74 of the Louisiana Code of Civil Procedure since the accident occurred in Calcasieu Parish.

9.

Petitioner submits that the evidence is clear that Mrs. Franques was not at fault in causing the accident in question but that defendants were clearly at fault for their negligence, which resulted in the accident.

10.

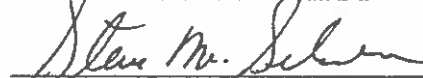
Mrs. Franques' damages easily exceed \$75,000.00, exclusive of judicial interests and costs.

WHEREFORE, petitioner, Mrs. Franques, prays that:

- (1) Defendants be duly served with a copy of this Petition for Damages and be cited to appear herein and answer the same;
- (2) That after due proceedings had, there be judgment herein in favor of petitioner against defendants, *in solido*, for such damages as are reasonable in the premises, together with the maximum legal interest from the date of judicial demand until paid, and for all costs of these proceedings, including the costs of expert witnesses;
- (3) For full, general, and equitable relief; and
- (4) In accordance with the Louisiana Code of Civil Procedure Article 1572, petitioner requests that the Clerk furnish to undersigned counsel of record, written notice by mail, ten days in advance of the date fixed for trial or hearing of the case, whether exceptions, motions, or rules; or an immediate notice of all other judgments, whether interlocutory or final, made or rendered in this case, all as provided by Louisiana Code of Civil Procedure Articles 1913 and 1914, including notice of judgment in the event that this case is taken under advisement or if the judgment is not signed at the conclusion of the trial. Request is also hereby made for all other notices, which may be requested under applicable law.

Respectfully submitted:

THE SIKICH LAW FIRM



STEVE M. SIKICH (#18026)

309 E. Sallier Street, Suite B * 70601

Post Office Box 1432 * 70602

Lake Charles, Louisiana

Telephone: (337) 721-8008

Facsimile: (337) 721-8006

Attorney for Plaintiff

[Service Instructions on next page]

Please serve:

CANAL INDEMNITY COMPANY

who may be served through the Louisiana Secretary of State,
8585 Archives Avenue
Baton Rouge, Louisiana 70809

SONRIC'S TRUCKING, LLC

Through the Louisiana Long Arm Statute,
Manuel Hernandez
12581 Greg Martinez Drive
El Paso, Texas 79928

RAUL R. ARANDA

Through the Louisiana Long Arm Statute,
113 Apache Brass Circle
Santa Teresa, New Mexico 88008

SUSAN FRANQUES : 14TH JUDICIAL DISTRICT COURT
Vs. : PARISH OF CALCASIEU
CANAL INDEMNITY COMPANY, : STATE OF LOUISIANA
SONRIC'S TRUCKING, LLC AND :
RAUL R. ARANDA : CASE NO 2022-2053G

NOTICE OF FILING PETITION FOR REMOVAL

TO: Calcasieu Parish Clerk of Court
1000 Ryan St.
P.O. Box 1030 (70602)
Lake Charles, LA 70601

Steve M. Sikich
The Sikich Law Firm
309 E Sallier Street, Suite B
PO Box 1432 (70602)
Lake Charles, La 70601

PLEASE TAKE NOTICE, pursuant to 28 U.S.C.A. '1446, that Defendants, CANAL INSURANCE COMPANY (erroneously named as Canal Indemnity Company), SONRIC'S TRUCKING, LLC, and RAUL R. ARANDA on the 26th day of May, 2022, filed in the United States District Court in and for the Western District of Louisiana, a verified Petition for Removal of the Petition for Damages in above entitled and numbered cause from the Fourteenth Judicial District Court in and for the Parish of Calcasieu, State of Louisiana, bearing Docket Number 2022-2053, Division G, a copy of which documents are attached hereto.

Respectfully submitted,

BY: 
The Dill Firm, A.P.L.C.
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Post Office Box 3324
Lafayette, Louisiana 70502-3324
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Facsimile: (337) 261-9176
Email: DRabalais@dillfirm.com
ATTORNEYS FOR CANAL INSURANCE
COMPANY, SONRIC'S TRUCKING, LLC, and
RAUL R. ARANDA

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing pleading has been served upon counsel for all parties to this proceeding by U.S. mail, facsimile, and/or electronic mail.

Lafayette, Louisiana, this 26th day of May, 2022.



DAVID R. RABALAIS